

By: Strama, King of Taylor, Howard of Travis,  
et al.

H.B. No. 416

A BILL TO BE ENTITLED

AN ACT

relating to providing for restroom access for persons with certain  
medical conditions; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Restroom Access Act.

SECTION 2. Subchapter D, Chapter 341, Health and Safety  
Code, is amended by adding Section 341.069 to read as follows:

Sec. 341.069. ACCESS TO RESTROOM FACILITIES. (a) In this  
section:

(1) "Customer" means an individual who is lawfully on  
the premises of a retail establishment.

(2) "Eligible medical condition" means Crohn's  
disease, ulcerative colitis, irritable bowel syndrome, or any other  
permanent or temporary medical condition that requires immediate  
access to a toilet facility.

(3) "Physician" has the meaning assigned by Section  
151.002, Occupations Code.

(4) "Retail establishment" means a place of business  
open to the general public for the sale of goods or services.

(b) A retail establishment that has a toilet facility for  
its employees shall allow a customer to use the toilet facility  
during normal business hours if:

(1) the retail establishment does not have a public  
restroom that is immediately accessible to the customer;

1           (2) the employee toilet facility is not located in an  
2 area where providing access would create an obvious health or  
3 safety risk to the customer or an obvious security risk to the  
4 retail establishment;

5           (3) the customer requesting use of the employee toilet  
6 facility provides the retail establishment with evidence of the  
7 customer's eligible medical condition including:

8                 (A) a copy of a statement signed by a physician  
9 that indicates the customer suffers from an eligible medical  
10 condition or uses an ostomy device; or

11                (B) an identification card that is issued by a  
12 nationally recognized health organization or a local health  
13 department and that indicates the customer suffers from an eligible  
14 medical condition or uses an ostomy device; and

15           (4) three or more employees of the retail  
16 establishment are working and physically present on the premises of  
17 the retail establishment at the time the customer requests to use  
18 the employee toilet facility.

19           (c) A customer who uses a toilet facility as authorized by  
20 this section shall leave the toilet facility in the same condition  
21 as it was before the customer used the toilet facility.

22           (d) A retail establishment or an employee of a retail  
23 establishment is not liable in civil damages for any act or omission  
24 in allowing a customer to use an employee toilet facility that is  
25 not a public restroom in accordance with this section if the act or  
26 omission:

27                (1) is not wilful or grossly negligent;

1           (2) occurs in an area of the retail establishment that  
2 is not accessible to the public; and

3           (3) results in property damage or bodily injury to or  
4 death of the customer or any individual other than an employee  
5 accompanying the customer.

6           (e) An employee of a retail establishment who refuses to  
7 provide a customer with access to an employee toilet facility as  
8 required by this section commits an offense. An offense under this  
9 section is a misdemeanor punishable by a fine of not more than \$100.

10           (f) A retail establishment is not required to make any  
11 physical changes to an employee toilet facility under this section.

12           SECTION 3. This Act takes effect September 1, 2007.